

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARLOH JESSIE BLACHER,)	No. C 12-4775 RMW (PR)
)	
Petitioner,)	ORDER DENYING MOTION FOR
)	APPOINTMENT OF COUNSEL
vs.)	
)	
L.S. MCEWEN,)	
)	
Respondent.)	
_____)	(Doc. No. 14.)

Petitioner, a state prisoner proceeding pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 3, 2012, this Court ordered respondent to show cause why a writ of habeas corpus should not be granted. (Doc. No. 11.) Petitioner has filed a motion for appointment of counsel. (Doc. No. 14.)

However, the Sixth Amendment's right to counsel does not apply in habeas corpus actions. Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). While 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner if "the court determines that the interests of justice so require," the courts have made appointment of counsel the exception rather than the rule. Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. See Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986).

Petitioner has thus far been able to adequately present his claims for relief. No

1 evidentiary hearing appears necessary in this case, nor are any other extraordinary circumstances
2 apparent. Accordingly, the court concludes that appointment of counsel is not necessary at this
3 time. Petitioner's motion for appointment of counsel (docket no. 14) is DENIED without
4 prejudice.

5 IT IS SO ORDERED.

6 DATED: FEB 27 2013


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARLON JESSIE BLACHER,
Plaintiff,

Case Number: CV12-04775 RMW

CERTIFICATE OF SERVICE

v.

L S MCEWEN et al,
Defendant.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 22, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marlon Jessie Blacher CDC G-50077
California State Prison Los Angeles County
P O Box 8457
Lancaster, CA 93539-8457

Dated: January 22, 2013

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk